

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ERNESTO DEJESUS,

Plaintiff,

v.

**9:06-CV-1496
(FJS/GJD)**

NURSE WARNER, Bare Hill Correctional Facility; GRANT, Nurse, Bare Hill Correctional Facility; PRIMEAU, Nurse, Bare Hill Correctional Facility; JANE DOE, Nurse, Bare Hill Correctional Facility; GLENN S. GOORD, Commissioner, NYS Dept. of Correctional Services; LESTER WRIGHT, Chief Medical Director; and THOMAS EAGEN, Grievance Director,

Defendants.

APPEARANCES

**ERNESTO DEJESUS
04-A-3038**
Bare Hill Correctional Facility
Caller Box 20
Malone, New York 12953
Plaintiff *pro se*

SCULLIN, Senior Judge

ORDER

Currently before the Court is Plaintiff's amended complaint, *see* Dkt. No. 7, which he submitted in compliance with this Court's January 10, 2007 Memorandum-Decision and Order, *see* Dkt. No. 6. In that Memorandum-Decision and Order, the Court advised Plaintiff that he must assert specific allegations of wrongdoing against each Defendant. *See id.* at 4.

In his amended complaint, Plaintiff claims that Defendants Glenn S. Goord, Lester

Wright, Thomas Eagen, Nurse Warner, and Azevedo were deliberately indifferent to his serious medical needs while he was incarcerated at Bare Hill Correctional Facility. *See* Dkt. No. 7.¹ Plaintiff does not, however, assert any specific allegations of wrongdoing against Defendant Warner.² Therefore, the Court dismisses Nurse Warner as a Defendant in this action without prejudice.

With the exception of the problems noted above, Plaintiff's amended complaint substantially cures the defects in his original complaint. Therefore, the Court accepts this pleading for filing. Accordingly, for the above-stated reasons, the Court hereby

ORDERS that Grant, Primeau, Jane Doe, and Warner are **DISMISSED** as Defendants from this action; and the Court further

ORDERS that the Clerk of the Court shall revise the docket to include Azevedo as a Defendant in this action; and the Court further

ORDERS that the Clerk of the Court shall issue summonses and forward them, together with copies of the amended complaint, to the United States Marshal for service upon the remaining Defendants, together with a copy of this Order.³ The Clerk of the Court shall also forward a copy of the summons and amended complaint and a copy of this Order by mail to the

¹ Since Plaintiff's amended complaint does not contain any statements against previously named Defendants Grant, Primeau, and Jane Doe, the Court dismisses these Defendants from this action.

² Plaintiff asserts, in conclusory terms, that Nurse Warner violated his "rights for adequate medical care, causing pain and suffering." *See* Dkt. No. 7 at 14. This general statement is insufficient to state a claim against Nurse Warner because it does not assert **specific** acts of wrongdoing on the part of this Defendant.

³ The Court previously granted Plaintiff leave to proceed with this action *in forma pauperis*. *See* Dkt. No. 6.

Office of the New York State Attorney General; and the Court further

ORDERS that Defendants or their counsel shall file a formal response to Plaintiff's amended complaint as provided for in Rule 12 of the Federal Rules of Civil Procedure after service of process on Defendants; and the Court further

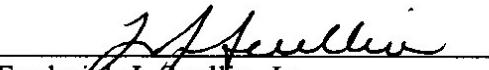
ORDERS that the parties to this action shall file all pleadings, motions and other documents relating to this action with the Clerk of the United States District Court, Northern District of New York, James Hanley Federal Building and Courthouse, 7th Floor, 100 South Clinton Street, Syracuse, New York 13261-7367. **A party must accompany any paper that it sends to the Court or to the Clerk of the Court with a certificate showing that the party has mailed a true and correct copy of the same to all opposing parties or their counsel. The Clerk of the Court will return, without processing, any document that the Court or the Clerk of the Court receives which does not include a proper certificate of service.** Plaintiff must comply with any requests of the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with the District's Local Rule 7.1 in filing motions, which must be returnable before the assigned magistrate judge with proper notice as the Rules require. The Court will decide all motions on submitted papers without oral argument unless the Court orders otherwise. **Plaintiff is also required to notify the Clerk's Office and all parties or their counsel of any change in his address promptly; his failure to do so will result in the**

dismissal of this action; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on Plaintiff by regular mail.

IT IS SO ORDERED.

Dated: February 7, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge